

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 16, 1999 LB 100

The bill was read for the first time on January 7th of this year, referred to the Judiciary Committee. That committee reports the bill to General File with committee amendments attached. (See AM0078 found on page 491 of the Legislative Journal.)

SENATOR CROSBY: Thank you, Mr. Clerk. Senator Don Pederson to open on LB 100.

SENATOR D. PEDERSON: Thank you, Senator Crosby, members of the body. This bill was presented last year to the Judiciary Committee, was advanced, but, unfortunately, we were not able to get to it before the session closed. So it came back up again this year. It was presented to the Judiciary Committee. It was advanced without opposition. Just for a bit of historical background, particularly for members of the Legislature that are not lawyers, about 25 years ago the Nebraska Legislature passed a law that provided that personal property could be transferred by affidavit in lieu of probate, and at that point it said in 19...well, it would be 25 years ago, it said that in the event that somebody died owning \$10,000 or less worth of personal property, that property could be transferred by an affidavit rather than by a probate proceeding. And several years ago, that amount, due to the way money has increased in...if you'd look at \$10,000 then, now we look at \$25,000 and that's what it was raised to several years ago. It bothered me, in my practice of law, that we would come up to many situations where someone would die, they would have a piece of property, whether it was a town lot, or whatever it was, that was of very small value, and they couldn't transfer that piece of property without the necessity of a probate proceeding simply because it was real estate. And it occurred to me that we need to try and do something to facilitate the transfer of these properties, and this bill is for that purpose. It's to allow the transfer of real estate under a value of \$25,000 without there being the necessity of a probate proceeding. In order to accomplish this, what has had to be done was to convert the old affidavit of possession of personal property from...modifying that because that said the total estate that somebody had was \$25,000, and what...that is being handled in this particular bill by modifying that to say that they do not have personal property in excess of \$25,000. So according to this affidavit procedure, we